

### REMARKS

This application has 64 claims, in which claims 6, 18, 20, 24, 44 and 62 were previously canceled. In the final Office Action of November 28, 2008, the remaining claims 1-5, 7-17, 19, 21-23, 25-43, 45-61, 63 and 64 were rejected. With this paper, claims 5, 7, 8, 17, 19, 21-23, 25, 26, 30-39, 42, 43, 45, 46 and 49-60 are amended, claims 1-4, 9-16, 28, 63 and 64 are canceled, and none are added. The application now includes claims 5, 7, 8, 17, 19, 21-23, 25-27, 29-43 and 45-61. Entry of the amendment is respectfully requested.

#### Rejection of Claims under 35 U.S.C. §103-First Set

On page 2 of the final Office Action, claims 1-5, 7-17, 19, 21-23, 25-43, 45-61, 63 and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Desai et al (U.S. Patent No. 6,820,204, Desai hereinafter) in view of Eftis et al (U.S. Patent 7,171,473, Eftis hereinafter) and Aravamudan et al (U.S. Patent 6,301,609 B1, Aravamudan hereinafter).

Among the rejected claims, claims 22, 42 and 63 are independent. With this paper, claim 63 is canceled and claims 22 and 42 are amended.

The amended claim 22 recites a method that comprises:

- receiving a **subscribe presence** primitive from a client of a requesting user for subscribing presence information of a requested user;
- determining if a subscription to the presence information of the requested user has been pre-authorized by the requested user;
- if the subscription has not been pre-authorized, requesting an authorization and receiving an authorize presence primitive from the requested user; and
- if the subscription has been authorized or pre-authorized, providing a presence primitive including presence information of the requested user to the requesting user according to the subscription.

Claim 22 also specifies that the subscription is valid for a period of time in which one or more presence primitives including requested presence information of the requested user are **provided on an on-going basis** to the client of the requesting user, particularly after receiving an update presence primitive including one or more presence attribute values to be

updated from the requested user. The presence primitive comprises one or more information elements including a presence information element, the presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of the requested user or a client of the requested user at the time the presence information is provided. The presence attributes are classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities. The values of the presence attributes have associated space and time information useable by a presence server to modify the presence attribute values or related presence attribute values in processing said presence primitive.

The basis for the amendment to claim 22 can be found on Fig. 4A and page 31, line 20 to page 32, line 9 of the originally filed application.

Claim 42 is also amended to incorporate the same features as in the amended claim 22.

The primary reference Desai teaches an information exchange system that provides user profile data of a registered user to another user or a third party on a user-by-user and element-by-element basis. The registered user is able to selectively grant access of the user profile to one or more third parties, and the system only permits viewing of the selected elements in the user profile by the third parties according to the permission (Abstract).

Further, in disclosing how the information exchange system operates to provide the user profile data, Desai teaches that:

In operation, the registered user may access profile data located on any information exchange system or affiliated entity that is connected to the network, provided access has been granted to the registered user. The registered user logs onto either an affiliated entity or an information exchange system, preferably through a World Wide Web address. When the registered user requests profile data, the profile data is automatically retrieved from the various locations and made available to the registered user. (Col. 4, lines 44-52, as cited by the Office, emphasis added)

In disclosing providing and receiving updates of the user profile, Desai teaches that:

In a preferred embodiment, intelligent synchronization software is loaded onto the network device of certain registered users. The intelligent synchronization software operates in the background to detect network activity,

and then automatically pulls newly updated information from the information exchange system, such as new addresses, e-mail addresses and messages, meeting invitations, and new files stored on the information exchange system, onto the network device and updates any local databases with the new information. The intelligent synchronization software may be used to provide Internet capabilities to standalone database applications and systems. (Col. 5, lines 1-12, emphasis added)

Therefore, although Desai discloses that the profile data is automatically provided to a register user when the registered user logs onto the information exchange system and requests the data, it does not provide a “subscription/unsubscription” mechanism in that the profile data is provided to the registered user on an on-going basis according to the subscription, particularly after receiving a presence information update. Desai’s mechanism of providing user profile updates is different from the “Subscribed Presence” scheme of the present application as described on pages 31 to 36 and depicted in Figures 4A to 4D. Desai requires the network device of the registered user to have intelligent synchronization software that operates in the background to “pull” newly updated information from the information exchange system. In other words, the information update in Desai is pulled, not pushed, from the information exchange server to the network device, whereas in the present invention the information update is pushed (provided) from the server to the network device.

Since Desai does not teach a requesting user subscribing to presence information of a requested user in which “one or more presence primitives including requested presence information of the requested user are provided on an on-going basis to the client of the requesting user, particularly after receiving an update presence primitive including one or more presence attribute values to be updated from the requested user,” the amended claim 22 is patentable in view of Desai.

Further, the Office acknowledged that Desai did not explicitly disclose “wherein a primitive comprises one or more information elements including a presence information element, said presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of a user or a client of the user at the time the presence information is provided.” However, the Office cites Eftis, col. 14, lines 20-57, for teaching such a concept (page 3 of the Detailed Action).

Applicant respectfully submits that, what Eftis teaches, at the cited location (col. 14, lines 20-57), relates to updating a communication web page when a user logs on, logs off, joins a group or leaves a group, and sending update notification to the members who are currently online. The updates are processed and displayed immediately, giving users a real-time indication of the online presence of the members. Although the online presence status (whether a user is logged on or logged off) may be regarded as an information item of the user at the time the information is provided, Eftis certainly does not disclose providing a “presence status of a user or a client of the user.” The presence status of a user or a client of the user, as defined in the present application, includes not only the online/offline status of the user but also various additional information items such as the user’s location, availability (online does not necessarily mean available), mood, client capability (e.g. what kind of client device the user is using, Eftis does not teach providing information regarding the device), etc. Therefore, a combination of Desai and Eftis does not have a sufficient disclosure that would lead a person skilled in the art to the knowledge of “providing one or more presence attributes, the values of the attributes indicating presence status of a user or a client of the user at the time the presence information is provided.”

Further, the Office acknowledged that neither Desai nor Eftis explicitly disclose “said presence attributes are classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by the receiving entity to modify said presence values or related presence values in processing said presence primitive.” However, the Office cites Aravamudan (col. 5, lines 15-31, col. 6, lines 64-67 and col. 7, lines 1-12) for teaching such a concept (page 4 of the Detailed Action).

Aravamudan teaches a system that has an industry standard IM server using standard IM server software. The IM server is combined with a communication service platform (CSP). The CSP is registered with the IM server as a "buddy" to the subscribing client. Aravamudan teaches that the location of a subscribing client is provided by the CSP. The

CSP initiates communications to the subscribing client via instant messages, and the CSP solicits a response from the subscribing client.

Applicant respectfully submits that, the concept of the "client" in Aravamudan is not the same as, and should not be confused with, the concept of "client" in the present application. In the present application, a client is a separate entity from a user. A user is a person subscribing a service and a client is an implementation of the service in a device that allows one or more users to access the service. The client may be hardware, software, firmware, or any combination thereof. The client concept is device-independent but for purposes of actual use is installed in a physical device (see page 20, lines 2-6 of the originally filed application). According to the present invention, both the user and the client have their separate unique identities so that more than one user can use the same client, or a user can log onto more than one client, without the confusion of identities.

The term "client" is used in Aravamundan for referring to a user of an electronic device. The device is called a client premises equipment (CPE) (col. 3, lines 28-37). Aravamundan teaches that: "the location of a subscribing client (that is, a client subscribing to both the IM service and the multiple network access provided by the service provider 120) is located by the CSP 160, the CSP initiates communications to the subscribing client via instant messages, and the CSP solicits a response from the subscribing client." (col. 5, lines 23-31, cited by the Office). By reading the above passage, a person skilled in the art would understand the word "client" means a user that is provided with a service. The user is able to access the service via one or more electronic devices (CPE). The user may be a recipient of a service and may own or operate a CPE device such as a personal computer, a wire telephone or screen phone, a wireless cellular phone or screen phone, a wireless or wired personal digital assistant (PDA) or other data or communication devices. This passage clearly shows that the term "client" in Aravamundan is equivalent to the term "user" in the present application, and there is no clear distinction between a user and a device used by the user according to Aravamundan.

However, in col. 6, line 64 to col. 7, line 20, also cited by the Office, Aravamundan discloses that a user logs onto the network and the client software provides a message

indicating user's online status and current user address. Aravamundan explains that the address indicates which CPE device the user is utilizing to access the network. This passage confuses user and client, because in one instance it says user's online status and user's address are provided (col. 7, lines 5-9), and in another instance it says the user's online status and client device's address are provided (col. 7, lines 11-20). It can only be gathered from the cited passage that Aravamundan teaches providing a user's online status and a network address for other user to reach said user. Aravamundan clearly does not teach providing other information such as client (device) reachability, user availability, user personal status, user or client (device) location, and client (device) capabilities.

Therefore, for at least the above reasons and in view of the amendment, Applicant respectfully requests the rejection of claims 22 and 42, and all dependent claims thereof, be reconsidered and withdrawn.

**Claim Rejections under 35 USC §103 - Second Set**

On page 14 of the Office Action, claims 1-5, 7-17, 19, 21-23, 25-43, 45-61, 63 and 64 are rejected under 35 USC §103(a) as being unpatentable over Desai in view of Tornabene et al (U.S. Publication No. 2002/0023132, Tornabene hereinafter).

As submitted above, the independent claims 22 and 42 are amended and claim 63 is canceled. The amended claims 22 and 42 are clearly distinguishable from Desai.

Further, the Office acknowledged that Desai did not explicitly disclose "wherein a primitive comprises one or more information elements including a presence information element, said presence information element comprises one or more presence attributes, the values of the attributes indicating presence status of a user or a client of the user at the time the presence information is provided, and said presence attributes are classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities, and wherein said values of the presence attributes have associated space and time information useable by the receiving entity to modify said presence values or related presence values in processing said presence primitive." However, the Office asserts that Tornabene teaches the above features. Since Tornabene was filed after the

effective filing date of the present application, Tornabene Provisional (U.S. Provisional Application 60/189,973, filed March 17, 2000) was referred to (pages 15 to 16 of the Detailed Action).

Applicant respectfully submits that, similar to Eftis, what Tornabene teaches at the cited locations (page 11, lines 15-23 and page 12, lines 1-3 of Tornabene Provisional) relates to a user accessing an IM server in order to view whether particular subscribers (“buddies”) are online. The IM server, in turn, provides the user a real-time indication of the online presence of the other users. Although the online status (whether a user is logged on or logged off) may be regarded as an information item of the user, it does not carry additional information such as an online user’s location, availability, mood, client capability, etc. Besides, Tornabene Provisional does not teach that the online/offline status may be presented with the additional information and modified according to the associated space and time information.

The Office further cites paragraphs [0006], [0063] and [0084] of Tornabene for teaching “said presence attributes are classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location [0063], and client capabilities [0084], and wherein said values of the presence attributes have associated space and time information useable by the receiving entity to modify said presence values or related presence values in processing said presence primitive [0006].”

In fact, paragraph [0063] of Tornabene can only be partially traced back to page 13, lines 14-21 of Tornabene Provisional. Paragraph [0084] of Tornabene is absent in Tornabene Provisional. Therefore, paragraph [0084] cannot be used as prior art against the present invention. Besides, paragraph [0084] of Tornabene does not teach providing an information element comprising presence attributes indicating client capabilities.

The presence information according to the present invention covers much more than merely an indication of whether a particular user is online or offline. The present invention provides a presence primitive. The presence primitive includes presence various attributes of a user or a client of the user. The presence attributes are classifiable in any one or more of the categories: client reachability, user availability, user personal status, user or client location,

and client capabilities. The values of the presence attributes have associated space and time information useable by a receiving entity to modify the presence values or related presence values of the user in processing the presence primitive.

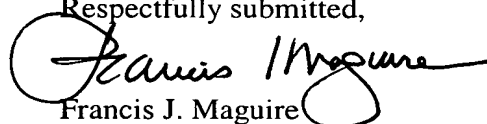
Desai and Tornabene Provisional combined does not teach that the presence information includes various presence attributes that are classifiable in any one or more of the categories: client reachability, user availability, user personal status, user or client location, and client capabilities, and the values of the presence attributes have associated space and time information useable by a receiving entity to modify the presence values or related presence values of the user in processing the presence primitive.

Therefore, for at least the above reasons and in view of the amendment, Applicant respectfully requests the rejection of claims 22 and 42, and all dependent claims thereof, be reconsidered and withdrawn.

### **Conclusion**

For all the foregoing reasons, it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant urges the Examiner to call the undersigned attorney to discuss the present response if there are any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", written over a circular stamp or mark.

Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
Tel: (203) 261-1234